

## Assembly Constitutional Amendment

**No. 5**

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**Introduced by Assembly Member Charles Calderon**

December 15, 2008

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Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 5, as introduced, Charles Calderon. Initiatives: state general obligations bonds.

Existing law permits voters to propose statutes and amendments to the Constitution, and to adopt or reject them, through the initiative process.

This measure would require an initiative measure that would authorize the issuance of state general obligation bonds to either provide additional tax or fee revenues, the elimination of existing programs, or both, as necessary to fully fund the bonds, as determined by the Legislative Analyst, in order to be submitted to the voters or to have any effect and would require the Attorney General to identify the new revenue source or the eliminated programs in the initiative measure's title and summary. The measure would also require that at least 55% of the voters approve an initiative measure authorizing the issuance of state general obligation bonds.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1     *Resolved by the Assembly, the Senate concurring,* That the  
2     Legislature of the State of California at its 2009–10 Regular  
3     Session, commencing on the first day of December 2008,  
4     two-thirds of the membership of each house concurring, hereby  
5     proposes to the people of the State of California that the  
6     Constitution of the State be amended as follows:

7     That Section 8 of Article II thereof is amended to read:

8     SEC. 8. (a) The initiative is the power of the electors to  
9     propose statutes and amendments to the Constitution and to adopt  
10    or reject them.

11    (b) An initiative measure may be proposed by presenting to the  
12    Secretary of State a petition that sets forth the text of the proposed  
13    statute or amendment to the Constitution and is certified to have  
14    been signed by electors equal in number to 5 percent in the case  
15    of a statute, and 8 percent in the case of an amendment to the  
16    Constitution, of the votes for all candidates for Governor at the  
17    last gubernatorial election.

18    (c) The Secretary of State shall then submit the measure at the  
19    next general election held at least 131 days after it qualifies or at  
20    any special statewide election held prior to that general election.  
21    The Governor may call a special statewide election for the measure.

22    (d) An initiative measure embracing more than one subject may  
23    not be submitted to the electors or have any effect.

24    (e) An initiative measure may not include or exclude any  
25    political subdivision of the State from the application or effect of  
26    its provisions based upon approval or disapproval of the initiative  
27    measure, or based upon the casting of a specified percentage of  
28    votes in favor of the measure, by the electors of that political  
29    subdivision.

30    (f) An initiative measure may not contain alternative or  
31    cumulative provisions wherein one or more of those provisions  
32    would become law depending upon the casting of a specified  
33    percentage of votes for or against the measure.

34    (g) *An initiative measure that would authorize the issuance of*  
35    *state general obligation bonds shall not be submitted to the electors*  
36    *or have any effect unless the measure expressly provides for either*  
37    *additional tax or fee revenues, the elimination of one or more*  
38    *existing programs, or both, as necessary to fully fund the repayment*  
39    *of the bonds, as determined by the Legislative Analyst. The new*  
40    *revenue source or the programs eliminated shall be clearly*

- 1 *identified in the title and summary of the measure prepared by the*
- 2 *Attorney General.*
- 3 *(h) An initiative measure that would authorize the issuance of*
- 4 *state general obligation bonds shall be approved by at least 55*
- 5 *percent of the voters who vote on the initiative measure.*

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